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Alaska Correctional Master Plan: Proposed Funding Strategy

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Summary

In 1978, the State of Alaska committed itself to the development of a comprehensive master plan for its correctional system based on a philosophy consistent with the mandate of the Alaska Constitution (Article 1, Section 12): "Penal administration shall be based upon the principle of reformation and upon the need for protecting the public." A fundamental goal of the recommendations of the Alaska Corrections Master Plan is the provision of the most adequate corrections system for Alaska at the least possible cost. The single most effective means of accomplishing this is to avoid unnecessary incarceration of offenders, thereby avoiding the capital cost of constructing new facilities to accommodate growing inmate populations. Avoidance of unnecessary incarceration in turn requires development of a full range of community-based corrections programs, including pre-trial release, probation, pre-release, and parole supervision. This report recommends administrative and statutory changes for a proposed funding strategy.

Additional information

The final *Alaska Corrections Master Plan* (1979) and *Alaska Corrections Master Plan: Executive Summary* (Moyer Associates, Inc., August 1979) are available through the National Criminal Justice Reference Service (NCJRS), U.S. Department of Justice.

ALASKA CORRECTIONAL MASTER PLAN
PROPOSED FUNDING STRATEGY



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Prepared for the
Master Plan Advisory Committee
and the
House of Representatives Committee on Finance

by

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BACKGROUND

In 1978 the State of Alaska committed itself to the development of a comprehensive master plan for its correctional system. The planning process was initiated when Moyer Associates, Incorporated, the American Foundation Institute of Corrections and the National Center for Juvenile Justice, were invited by the state to participate in the development of a master plan. The Master Plan Advisory Committee of legislative and executive leaders was established to oversee and advise the planning effort. Alaska faces the prospect of a growing offender population and increasingly limited resources with which to confine, reform, or reintegrate them into law abiding society. Development of a formal statement of policies and goals based on a comprehensive analysis of the present correctional system was seen as crucial to the resolution of this dilemma. It remains the responsibility of those who work in the corrections and criminal justice system of Alaska, along with the legislature and the citizens of the state, to enact these policies. The Plan should be viewed as a means to effect positive changes in Alaska's corrections system.

POLICY STATEMENT

The foundation of constructive action to improve correctional practices must be a clear definition of the goals such action is intended to achieve. Policies and recommendations in the Master Plan have been formulated based on a philosophy consistent with the mandate of the Alaska Constitution (Article 1, Section 12): "Penal administration shall be based upon the principle of reformation and upon the need for protecting the public." Protection of the public can be accomplished through focusing on rehabilitation and reintegration of convicted offenders as well as through an emphasis on institutional security.

1. Incarceration of both pre-sentence and post-sentence offenders should be used as a last resort, and then for as short a period as possible, only for offenders who present a demonstrable risk to public safety and/or who are convicted of crimes for which society demands punishment through imprisonment.

2. In the interest of promoting offender reform and reintegration while holding costs to a minimum, community corrections programs (including probation, parole, work release and restitution) should be utilized for the maximum possible numbers of offenders.

3. Resources and support should be focused on community corrections programs so that all possible means of maximizing diversion from incarceration can be explored.

4. Renovation or replacement of existing Alaska corrections facilities shall be made as necessary to provide normalized, humane and secure environments for all Alaska inmates.

5. Provision of a broader spectrum of work, training and social service opportunities for the benefit of both inmates and community corrections clients shall be a high priority.

COMMUNITY CORRECTIONS

Community corrections services offer the best solution for the future of corrections. Probation and parole are indisputably less costly than incarceration, and are no less effective in reforming offenders. Improvement or expansion of community corrections services is likely to increase the overall cost-effectiveness of the system. Community corrections services will provide contact with offenders at many crucial decision points, from their initial intake at arrest to their final release from community supervision (either probation or parole). Therefore, close coordination with the other criminal justice system components (law enforcement and the courts) is essential. In addition, community corrections services must work closely with institutional services to ensure that offenders receive consistent treatment as they progress through the system. Finally, community corrections will, of necessity, be closely affiliated with many other non-correctional community agencies which provide services to correctional clients. With an increased emphasis on diverting as many offenders as possible from incarceration, community corrections will assume an ever more central role in the Division of Corrections.

ADULT CONFINEMENT

The Division of Corrections is responsible for the maintenance of control and good order within its confinement facilities. Although the state's first priority should be to minimize the number of offenders confined in corrections facilities, there will continue to be those for whom incarceration is felt to be the only appropriate disposition. For these offenders, the provision of a secure and humane setting which affords them opportunities for self-improvement should be the primary goal of the Division and the State of Alaska.

1. The range of programs available to inmates should include education, vocational training (in conjunction with prison industries), library services, drug and alcoholism treatment (through the State Office of Alcoholism and Drug Abuse), other health care, leisure time activities (indoor and outdoor), counseling, and community-based programming including furloughs, work and education release and pre-release preparation.

2. Corrections must be provided with sufficient numbers of trained staff for its institutions in order to carry out its statutory responsibilities to ensure public safety and promote positive changes in offenders. Sufficient funds must be made available to hire and

train the requisite number of staff. Use of contractual agreements with outside agencies and individuals specializing in particular program areas, as well as encouragement of volunteer involvement, are recommended methods of stretching scarce correctional resources to serve the maximum numbers of inmates.

3. The Division of Corrections must develop an inmate classification system which can be uniformly applied across the system. Specific definitions of inmate types must be developed, based not only on the type of housing and supervision they require (security considerations), but also on their programming needs. Utilizing a classification scheme developed by the Master Plan consultants, of 547 Alaskan inmates surveyed it was found that 33 percent should be housed in maximum security, 32 percent in medium security, 17 percent in minimum security and 18 percent in work release statewide, a finding which has obvious implications for needed types of programs.

YOUTH SERVICES

A separate youth services unit shall be created within the Division of Corrections' organizational structure. It is strongly recommended that Alaska discontinue the practice of housing youths in out-of-state facilities. Expansion of foster and group homes through contractual arrangements is proposed as a primary means of diverting youths from secure detention and as an alternative to be used for adjudicated juveniles as well. All youth intake functions shall be operated by the Division of Corrections rather than shared with the court system. All juvenile petitions shall be written and filed by the Department of Law rather than by youth services elsewhere. A very costly building program will be required if alternatives to secure detention for youths are not developed. It is not recommended that Alaska construct any new secure detention facilities for youths. The McLaughlin Youth Center operations and programs for both adjudicated and non-adjudicated youths are exemplary, and should continue to be supported. Additional funding for staff and staff training is a prerequisite to expansion of services to Alaskan youths.

PRISON INDUSTRIES

Development of a system of prison industries is a central recommendation of the Master Plan. An efficiently operated industry program will result in savings to the state in terms of reduced state agency purchasing expenditures, reduced criminal justice costs, and prison industry wages and profits; benefits for the institutions in terms of reduced numbers of disciplinary infractions and a more normalized social atmosphere; and benefits to the inmate worker in terms of greater abilities to provide family support, participate in vocational training, and obtain jobs upon release. The prison industries approach advocated for adoption in Alaska is the Free Venture model which emphasizes a realistic work environment (a full work

day, inmate wages based on work output, and transferable training and job skills) and self-supporting or profit making business operations. Long term, centralized facilities are the most appropriate as settings from which to operate community service and/or public works projects. Development of a prison industries system in Alaska will require a substantial initial funding commitment, as well as statutory authorization. Enabling statutes should address:

1. Establishment of a Prison Industry Advisory Board with representation from business and labor interests.
2. Establishment of a Prison Industry Revolving Fund.
3. Authority to sell prison industry goods on the open market.
4. Authority to lease prison facilities and grounds to private businesses which would employ prisoner workers.
5. Exemption of prison industry workers from the \$3.00 per day ceiling on wages established in law by AS 33.30.225.

It is strongly recommended that the legislature is not the appropriate place to fix prisoner wages for prison industries. However, the specific purposes for which prisoners' wages can be disbursed should be spelled out in prison industry legislation, including:

1. Support of the prisoners' dependents.
2. Reimbursement to the state for an award made for violent crimes compensation.
3. Payment of a court award.
4. Reimbursement to the state for room and board (the amount should not exceed the average daily cost of incarceration).
5. Purchase of clothing and commissary items.
6. Enforced savings to assure that funds will be available upon release.

CAPITAL IMPROVEMENTS

Alaska will not be able to avoid a certain level of capital expenditures to improve its corrections facility system due to several factors:

1. The badly deteriorated condition of several existing facilities.
2. Overcrowding of a few key facilities even at current population levels.
3. Inadequate space for programs and prison industries at nearly all existing facilities.
4. Court actions, both actual and potential, which will mandate that Alaska provide constitutional housing for all inmates.
5. The long range goal to return all Alaskan inmates from federal institutions to state facilities (some of these inmates have very lengthy sentences and could not be adequately accommodated in any existing Alaskan facility).
6. Expressed interest in regionalized incarceration of sentenced inmates which would require replacement of existing rural corrections facilities and which are now totally inadequate to house long term inmates.

Because many of the facilities currently in use are seriously deficient with regard to available space, its arrangement and allocation, and even in some instances significant physical deterioration of the buildings, any major system-wide improvements in institutional programming must await renovation or new construction.

1. Facilities which should be abandoned and replaced by new construction and/or alternative facilities are:

- a. Ketchikan Correctional Center*
- b. Ridgeview Correctional Center**
- c. Anchorage Third Avenue Correctional Center
- d. Nome Correctional Center
- e. Bethel Correctional Center*
- f. Rural jails in Kotzebue, Kodiak, Kenai and Barrow

2. Facilities which should be renovated and/or expanded are:

- a. Anchorage Annex* (for eventual use only as a pre-release center)
- b. Juneau Correctional Center*
- c. Fairbanks Correctional Center
- d. Palmer Correctional Center
- e. Eagle River Correctional Center (expansion)

*Indicates total or partial funding through the 1978 G.O. bond issues.

**A two million dollar legislative appropriation has been made for this purpose.

3. The state should discontinue the practice of housing Alaskan inmates in Federal Bureau of Prisons facilities.

4. Replacement of existing rural jails should assume a lower priority than recommended renovation or expansion of the more urban state facilities.

CONCLUSION

A fundamental goal of the recommendations of the Correctional Master Plan is the provision of the most adequate corrections system for Alaska at the least possible cost. The single most effective means of accomplishing this is to avoid unnecessary incarceration of offenders, thereby avoiding the capital cost of constructing new facilities to accommodate growing inmate populations. Avoidance of unnecessary incarceration in turn requires development of a full range of community-based corrections programs, including pre-trial release, probation, pre-release and parole supervision. This is the basic strategy advocated throughout the Plan.

A number of capital improvements have already been authorized by the voters in 1978 for expansion and remodeling of an insufficient and out-dated state correctional system. These improvements will only improve upon or replace existing facilities. Additional capital funding is required to bring the institutional system to a level which will adequately house present offender populations and provide diversionary and other programs for an expanding offender population.

Alaskan policy makers are immediately faced with major decisions which will determine the future successful operation of the state's correctional system under the Alaska Constitutional mandate that, "Penal administration shall be based upon the principle of reformation and upon the need for protecting the public." (Article I, Section 12)

Through improvements and expansion to community corrections, institutional buildings and programs, youth services, and the development of prison industries based on a restitution concept, corrections should be able to meet this mandate.

REGIONAL DISTRIBUTION OF PROPOSED FUNDING
BY JUDICIAL DISTRICT
(In Thousands of Dollars)

CORRECTIONAL COMPONENT	FIRST	SECOND	THIRD	FOURTH	STATEWIDE	TOTAL
COMMUNITY CORRECTIONS	<u>198.3</u>	<u>335.1</u>	<u>206.5</u>	<u>261.4</u>		<u>1,001.3</u>
Ketchikan	42.3	Nome 98.7	Kenai 85.2	Bethel 149.1		
Sitka	46.7	Kotzebue 135.6	Anchorage 121.3	St. Mary's 36.8		
Juneau	109.3	Barrow 100.8		Fairbanks 75.5		
ADULT CONFINEMENT	<u>142.0</u>	<u>63.2</u>	<u>717.4</u>	<u>74.4</u>	<u>177.1</u>	<u>1,174.1</u>
Juneau	92.4	Nome 63.2	Palmer 105.5	Fairbanks 74.4	Admin. 177.1	
Ketchikan	49.6		Anch, 3rd 81.6			
			Anch, 6th 177.7			
			Eagle Rvr 119.6			
			Ridgeview 114.2			
			Medical 118.2			
YOUTH SERVICES	<u>77.4</u>	<u>236.4</u>	<u>134.3</u>	<u>127.7</u>	<u>444.0</u>	<u>1,019.8</u>
Juneau	77.4	Barrow 135.6	Palmer 42.3	Fairbanks 89.6	Trning 180.0	
		Kotzebue 100.8	Anchorage 53.9	Bethel 38.1	Foster	
			Kodiak 38.1		H. 264.0	
PRISON INDUSTRIES	<u>68.6</u>		<u>106.0</u>	<u>36.9</u>	<u>205.0</u>	<u>416.5</u>
Juneau	68.6		Palmer 73.9	Fairbanks 36.9	Equip	
			Eagle Rv 32.1		& 205.0	
					Commod	
CAPITAL IMPROVEMENTS	<u>4,998.6</u>	<u>8,989.1</u>	<u>10,409.1</u>	<u>4,950.0</u>		<u>29,346.8</u>
Juneau	4,998.6	Nome 8,989.1	Anchorage	Fairbanks		
			4,873.0	4,950.0		
			Eagle Rv 5,536.1			
TOTAL	<u>5,484.9</u>	<u>9,623.8</u>	<u>11,573.3</u>	<u>5,450.4</u>	<u>826.1</u>	<u>32,958.5</u>

COMMUNITY CORRECTIONS
BY POSITION AND JUDICIAL DISTRICT
(In Thousands of Dollars)

Judicial District	Priority	Location	Position	Cost
First	6	Ketchikan	Probation Officer II & Support	42.3
"	8	Sitka	" " " "	46.7
"	16	Juneau	" " " "	42.3
"	2	"	" " " "	42.3
"	7	"	Clerk Typist III & " "	24.7
Second	1	Nome	Probation Officer II & Support	64.0
"	13	"	Probation Aide & Support	34.7
"	17	Kotzebue	Probation Officer III & Support	68.2
"	18	"	Clerk Typist III & Support	32.6
"	19	"	Probation Aide & Support	34.8
"	22	Barrow	Probation Officer III & Support	68.2
"	23	"	Clerk Typist III & Support	32.6
Third	4	Kenai	Probation Officer II & Support	58.9
"	14	"	Clerk Typist III & Support	26.3
"	9	Anchorage	Probation Officer III & Support	53.9
"	11	"	" " II "	42.3
"	10	"	Clerk Typist III & Support	25.1
Fourth	3	Bethel	Probation Officer II & Support	78.0
"	15	"	Clerk Typist III & Support	33.0
"	21	"	Probation Aide & Support	38.1
"	20	St. Mary's	" " "	36.8
"	5	Fairbanks	Probation Officer II & Support	47.6
"	12	"	Clerk Typist III & Support	27.9
TOTAL			23 positions	1,001.3

ADULT CONFINEMENT
BY POSITION AND JUDICIAL DISTRICT
(In Thousands of Dollars)

Judicial District	Priority	Location	Position	Cost
First	24	Juneau CC	Correctional Officer II	27.2
"	35	"	"	27.2
"	8	"	Administrative Officer I	38.0
"	27	Ketchikan CC	Correctional Officer II	27.2
"	28	"	Clerk Typist III	22.4
Second	26	Nome CC	Correctional Officer II	35.5
"	29	"	Clerk Typist III	27.7
Third	17	Palmer CC	Correctional Officer II	28.1
"	31	"	"	28.1
"	32	"	"	28.1
"	2	"	Clerk Typist III	21.2
"	38	Anch 3rd CC	Correctional Officer II	27.2
"	39	"	"	27.2
"	40	"	"	27.2
"	18	Anch 6th CC	Correctional Officer III	30.9
"	19	"	Correctional Officer II	27.2
"	20	"	"	27.2
"	30	"	"	27.2
"	33	"	"	27.2
"	10	"	Administrative Officer I	38.0
"	21	Eagle Rv CC	Correctional Officer II	27.2
"	22	"	"	27.2
"	34	"	"	27.2
"	9	"	Administrative Officer I	38.0
"	25	Ridgeview CC	Correctional Officer II	27.2
"	36	"	"	27.2
"	37	"	"	27.2
"	6	"	Institutional Instructor	33.2
"	3	Anchorage	Nurse II	27.5
"	4	"	"	27.5
"	5	"	"	27.5
"	15	"	Physician's Assistant	35.7
Fourth	23	Fairbanks CC	Correctional Officer II	30.9
"	7	"	Administrative Officer I	43.5
Statewide	1	Anchorage	Volunteer Coordinator	40.7
"	12	Juneau	Clerk Typist III	25.0
"	14	"	Clerk Typist II	23.4
"	11	Anchorage	Clerk Typist III	22.4
"	16	Juneau	Planner III	43.2
"	13	Anchorage	Clerk Typist III	22.4
TOTAL			40 positions	1,174.1

YOUTH SERVICES
BY POSITION AND JUDICIAL DISTRICT
(In Thousands of Dollars)

Judicial District	Priority	Location	Position	Cost
First	6	Juneau	Administrative Asst. & Support	28.0
"	"	"	Data Clerk	24.7
"	"	"	Clerk III	24.7
Second	1	Barrow	Probation Officer III & Support	68.2
"	"	"	Clerk Typist III	32.6
"	"	"	Program Service Aide I	34.8
"	5	Kotzebue	Probation Officer III & Support	68.2
"	"	"	Clerk Typist III	32.6
Third	7	Palmer	Probation Officer II & Support	42.3
"	8	Anchorage	Probation Officer III & Support	53.9
"	9	Kodiak	Program Service Aide I & Support	38.1
Fourth	3	Fairbanks	Administrative Assistant & Support	31.9
"	"	"	Probation Officer IV	57.7
"	10	Bethel	Program Service Aide I	38.1
Statewide	2	Statewide	Training for professional and paraprofessional staff	180.0
"	4	"	Specialized Foster Care Payments, 20 juveniles per month at increased foster home rate of \$1,100 a month	264.0
TOTAL 14 positions, training, foster care				1,019.8

PRISON INDUSTRIES
Start-Up Statewide Program Costs
(In Thousands of Dollars)

DISCUSSION

Five positions to implement the Initial Phase are included in the FY'81 operating budget. These positions and related costs are not reflected here. Development of a sound prison industries program will be initiated with this core staff. Additional positions are needed to implement the long range plan. Six are requested for FY'82 to expand the program beyond the Palmer Correctional Center. Additional positions may be requested after FY'81, as the long range plans are formulated and implemented within the various state-wide correctional centers. It is estimated that the prison industries program will be self-sustaining in approximately five years. The sales of the various products manufactured should approximate the cost of labor, materials and overhead costs/distribution, sales, and management.

PERSONAL SERVICES

Location	Position	Cost
Palmer	Industry Manager (R 19) and support	41.8
Juneau	Planner/Analyst III (R 17) and support	36.5
Fairbanks	Shop Supervisor (R 16) and support	36.9
Juneau	Shop Supervisor (R 16) and support	32.1
Anchorage	Shop Supervisor (R 16) and support	32.1
	Shop Supervisor (R 16) and support	32.1
Sub-Total (6 positions)		211.5

EQUIPMENT -- Program Related 115.0

Various equipment needed to expand prison industries program will be purchased in FY'82. The specific identification as to type and quantity will be developed by the Prison Industry Coordinator during FY'81.

COMMODITIES -- Materials Related to Industries Products 90.0

Raw materials for industries programs will be purchased. It is anticipated that initial supplies will be replenished as manufactured products are sold. Accounting procedures must be developed to permit program receipts to return to the program.

TRAVEL 2.7

CONTRACTUAL 5.6

Total 416.5

CAPITAL IMPROVEMENTS
For Bond or Direct Appropriation

Location	Project	Cost
Eagle River	Expansion of Correctional Center, 80 new beds	\$ 5,536,141
Juneau	Upgrade and construct addition to Correctional Center, 36 new beds	4,998,600
Fairbanks	Expansion of Correctional Center, 36 new beds	4,950,000
Nome	Construct regional jail facility	8,989,100
Anchorage	Construct pre-trial addition to Correctional Center	4,873,000
TOTAL (approximately 200 new beds)		\$29,346,841

The above cost figures represent up-dated costs for items listed for correctional improvements enumerated in HB 562, an Act entitled:

An Act providing for the issuance of general obligation bonds in the amount of \$22,901,200 for the purpose of paying the cost of capital improvements for correctional, public safety, and military affairs facilities; and providing for an effective date.

A decision should be made relevant to the most expeditious and appropriate method for funding these correctional capital improvements, i.e., direct appropriation or bond issue to be approved by the voters.

PROPOSED ADMINISTRATIVE AND STATUTORY CHANGES

Responsibility for Jail Facilities.	13
Citizen Involvement in Corrections.	14
Pre-Trial Diversion	15
Termination of Deferred Prosecution	17
Duties of Commissioner.	18
Designation of Programs and Facilities.	20
Escape.	22
Education	24
Prison Industries (Alaska Productive Time Industries)	25
Parole.	31

The following administrative order should be promulgated by the Governor:

"Administrative Order No _____ Date _____

Responsibility for jail facilities.

1. Responsibility for the administration of all contracts heretofore entered into by or under the authority of the Commissioner of Public Safety for the purposes of providing for the detention, subsistence, care and safekeeping of a person held under the authority of state law is transferred effective 30 days from the date hereof to the Commissioner of Health and Social Services or his designee.
2. The Commissioner of Public Safety shall, from time to time, notify the Commissioner of Health and Social Services of the extent and location of facilities needs forecast by him for temporary detention purposes together with his recommendations concerning the practical means that may be at hand for meeting such needs.
3. The Commissioner of Public Safety and the Commissioner of Health and Social Services shall take whatever other action is necessary to make this order effective 30 days from the date hereof including a) delegation of authority by the Commissioner of Health and Social Services to appropriate subordinate authorities, b) coordination between the departments to provide for an orderly transfer of responsibilities and c) notification to the contracting party concerning administrative changes resulting from the order.

The Governor should adopt the following administrative order:

Administrative Order No _____ Dated _____

Citizen Involvement in Corrections.

1. There is established the Advisory Committee on Citizen Involvement in Corrections. The Committee shall consist of up to 9 persons, including representatives of government, private and private non-profit sectors. Composition of the advisory committee shall reflect the need for special attention to rural concerns.
2. The Committee shall: a) examine the ways in which the Division of Corrections currently obtains information from the citizens of the state and incorporates that information in the policies of the division; b) review ways in which the Division now uses and could use volunteer services; c) make recommendations concerning future policies and practices which will enhance and institutionalize citizen involvement, concluding in a final report, terminating the life of the committee, by December 1, 1980.
3. The Policy Development unit within the Technical Services unit of the Division shall a) provide staff services to the Advisory Committee; b) develop proposed policies, including staffing and personnel evaluation and training policies, which encourage the wise use of citizens in the policy development and processes and programs of the Division.

AS 12.30 is amended by adding a new section to read:

AS 12.20.32. PRETRIAL DIVERSION. (a) In an appropriate case, the Attorney General may defer prosecution of a person charged with an offense, pending completion by the person charged of a diversion agreement approved by the court or by the Attorney General. The diversion agreement shall include establishment of a performance program for the person designed to encourage his rehabilitation.

(b) In determining whether a person should be considered for deferred prosecution, the Attorney General shall consider

- (1) the nature and circumstances of the offense charged
- (2) the weight of the evidence against the person
- (3) the person's record of convictions
- (4) the extent of involvement of violence, alcohol or drugs in the offense charged
- (5) the possible danger to the community of the offender
- (6) the prospects for rehabilitation
- (7) the possibility of restitution
- (8) such other criteria as appear appropriate including criteria relating to the experimental evaluation of pretrial diversion.

(c) The program agreement shall be approved by the court or the Attorney General upon the determination that

- (1) probable cause exists to support the charge

(2) the agreement is voluntarily entered

(3) the person was represented by counsel
during the preparation of the diversion agreement

(4) the person has knowingly waived his right
to a speedy trial and to such other rights as are specified
in the agreement including a waiver of objection to the
admissibility at trial of stipulations, depositions or
statements of witnesses that might be necessary to preserve
the ability of the state to initiate a successful prosecution
at a later date

(d) The Attorney General may enter into cooperative
agreements or contract with the Division of Corrections,
for the performance of all or part of the functions of
developing screening, recommendations, diversion contract
preparation, program support or supervision.

(e) No condition may be imposed in a diversion agreement
the performance of which extends beyond the term of the
maximum sentence which might be imposed upon conviction of
the offense charged. The diversion agreement may include
provisions relating to the person's

(1) custodial or supervisory responsibilities in
relation to a person or organization agreeing to exercise
them over the person

(2) rights of travel, association, or place of
abode

(3) employment, recreational, medical or educa-
tional rights or responsibilities

- (4) obligation of restitution or public service
- (5) family support obligations and other income allocation provisions
- (6) other provisions relating to the safety of the public or the rehabilitation of the person.

AS 12.20.33. TERMINATION OF DEFERRED PROSECUTION. (a) The Attorney General shall give notice by mail to the person, and the attorney who represented him during the development of the diversion agreement in the event that the Attorney General determines that a breach of the diversion agreement has occurred which warrants reinstitution of prosecution. The person may request a hearing before a person designated by the Attorney General or before the court, to decide whether the person has breached the agreement. The standard of proof in such a determination shall be one of probability. In the absence of a request for judicial determination, the decision of the Attorney General's designee is not subject to judicial review.

(b) The Attorney General shall move the court to dismiss the charges against the person on the conclusion of the term of the contract if the person has successfully concluded his diversion agreement. The dismissal of the charge after successful conclusion of a diversionary program, shall have the same effect on conviction of subsequent offenses as if the person had never been arrested except that it may be considered in determining the person's subsequent eligibility for a diversion program.

Sec. 1. AS 33.30.010 is repealed and reenacted to read;

AS 33.30.010. DUTIES OF COMMISSIONER. The Commissioner shall (1) provide for the custody, health, safety, care and rehabilitation of persons committed to his custody pursuant to a charge or judgment of conviction on a criminal offense, consistent with the safety of the public;

(2) Design, establish, operate and evaluate programs which may:

(A) maintain the physical and mental health of persons committed to his custody pursuant to a charge or conviction on a criminal offense;

(B) remove health disabilities;

(C) tend to create or improve occupational skills;

(D) strengthen family relationships;

(E) enhance educational qualifications;

(F) support court ordered restitution; and

(G) facilitate the reintegration of committed persons into society. Consistent with the safety of the public and the duties of the Commissioner, programs may be adopted which utilize honor program elements such as furloughs for education training employment, restitutive service and medical purposes and facilities may be used which are specially adapted to these program elements such as half way houses, group homes and other facilities which utilize constructive partial limited or delegated custody;

(3) Establish, identify, inspect, and classify facilities suitable for supporting the custody and safety,

and programs for the care and rehabilitation of persons committed to his care pursuant to a charge or judgment of conviction on a criminal offense whether or not located in another state, territory or possession of the United States or maintained by the state;

(4) Within a reasonable time, classify each convicted person committed to his custody who may be anticipated to be subject to detention for a period in excess of four months. Classification shall include the identification of a proposed program or series of programs suitable to the person and the person's offense and of facilities supporting the program. The commissioner may classify prisoners anticipated to be subject to periods of detention of less than four months.

(5) Adopt rules and regulations necessary to carry out the purposes of this chapter.

Sec. 2. AS 33.30.100 is amended to read

AS 33.30.100. DESIGNATION OF PROGRAMS AND FACILITIES FOR LONG TERM COMMITMENTS [COMMISSIONER TO DESIGNATE FACILITY]. The commissioner shall consider any recommendation of the sentencing court with respect to the classification, program and facilities to be used in providing for the custody, health, safety, care and rehabilitation of a person committed to his custody [DESIGNATE THE FACILITY WHERE THE SENTENCE SHALL BE SERVED]. The commissioner may assign a person committed to his custody to [DESIGNATE] and program and supporting facilities deemed appropriate by him considering:

- (1) the availability of program and facility space;
- (2) the prospect of future judicial proceedings requiring the person's presence;
- (3) the needs of the person;
- (4) the nature and circumstances of the offense on which the person was sentenced;
- (5) the person's record of convictions and of involvement in violence, or with drugs or alcohol;
- (6) the prospects for rehabilitation and
- (7) the reasonable safety of the public; and
- (8) such other criteria as appear appropriate including experimental evaluation of correction programs [AVAILABLE, SUITABLE AND APPROPRIATE FACILITY FOR THE SERVICE OF SENTENCE BY A PRISONER] whether or not [IT IS] maintained by the state;

and whether [IT IS] inside or outside the judicial district where the person [PRISONER] was convicted, and whether or not [IT IS] in another state, territory or possession of the United States.

Sec. 3 AS 33.30.110 is amended to read:

AS 33.30.110. DESIGNATION OF PROGRAMS AND FACILITIES FOR TEMPORARY COMMITMENTS OR SHORT TERM DETENTION [COMMISSIONER MAY DESIGNATE FACILITY FOR SERVICE OF TEMPORARY COMMITMENTS OR SENTENCES OF ONE YEAR OR LESS]. The commissioner shall [MAY] designate [A] suitable state-approved programs and facilities [FACILITY OR A SUITABLE FACILITY MADE AVAILABLE TO THE STATE BY AGREEMENT OR CONTRACT,] to which [ALL] persons waiting classification or anticipated to be subject to periods of detention of less than four months [SENTENCED TO SERVE A TERM OF ONE YEAR OR LESS] or detained on temporary commitment may [SHALL] be detained [COMMITTED. THE COURT MAY MAKE COMMITMENT FOR THE TERM IT DIRECTS, OR ORDER TEMPORARY COMMITMENT TO THE CUSTODY OF THE KEEPER OR PERSON IN CHARGE OF THE DESIGNATED FACILITY]. Programs and facilities utilized in such commitments are not required to be adapted to or to include goals of a specifically educational, training or rehabilitative nature.

Sec. 5. AS 33.20.200 is amended by adding a new paragraph to read:

(8) honor program means a correctional program, designated as an honor program by the commissioner, in which the degree of physical restraint on the person committed to the commissioner's custody is so minimal as to place substantial reliance on the person's pledge of self-restraint in assuring that the person remains subject to the commissioner's control.

Sec. 6. AS 33.30 is amended by the addition of a new section to read:

AS 33.30.210. EFFECT OF COMMITMENT. A person who is committed to the custody of the commissioner on the charge of a crime is in official detention for purposes of AS 11.56.300 - .390 unless, at the time he takes his first overt act constituting escape in any degree, he is engaged in a program designated by the commissioner as an honor program.

Sec. 7. AS 11.56.340 and .350 are amended to read:

AS 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE.

(a) A person commits the crime of unlawful evasion in the first degree if, being committed to the custody of the commissioner of health and social services on a charge of a felony, he is absent without leave from an honor program as defined by AS 33.30.200(8) [FAILS TO RETURN TO OFFICIAL DETENTION ON A CHARGE OF A FELONY FOLLOWING TEMPORARY LEAVE GRANTED FOR A SPECIFIC PURPOSE OR LIMITED PERIOD, INCLUDING PRIVILEGES GRANTED UNDER AS 33.30.150, 33.30.250, or 33.30.260.]

(b) Unlawful evasion in the first degree is a class A misdemeanor.

AS 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE.

(a) A person commits the crime of unlawful evasion in the second degree if being committed to the custody of the commissioner of health and social services on a charge of a misdemeanor he is absent without leave from an honor program as defined in AS 33.30.200(8) [FAILS TO RETURN TO OFFICIAL

DETENTION ON A CHARGE OF A MISDEMEANOR FOLLOWING TEMPORARY
LEAVE GRANTED FOR A SPECIFIC PURPOSE OR LIMITED PERIOD,
INCLUDING PRIVILEGES GRANTED UNDER AS 33.30.150, 33.30.250,
or 33.30.260.

(b) Unlawful evasion in the second degree is a class
B misdemeanor.

Sec. 8. AS 33.30.020, 33.30.030, 33.30.040, 33.30. 050,
33.30.140, 33.30.150, 33.30.250, and 33.30.260 are repealed,

Sec. 1. AS 14.14 is amended by adding a new section to read;

AS 14.14.115 COOPERATION WITH DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) Where necessary to provide more efficient or more economical educational services, a district may cooperate or the department may require a district to cooperate with the department of health and social services in providing educational services to persons committed to the custody of the commissioner of health and social services.

(b) The department may prescribe the terms and conditions of any contract entered into under (a) of this section.

(c) If the educational program provided by the school district is of the same or an improved quality over the program delivered in the other schools, then pupils enrolled in the custodial program shall be counted in the school population of the district for purposes of computing the district's average daily membership in compiling state aid under AS 14.17.021.

Sec. 2. AS 14.40 is amended by the addition of a new section to read:

AS 14.40.018. The University shall establish instructional programs specially adapted to delivery to persons in the custody of the commissioner of health and social services.

1. That the following statute be adopted

Sec. 1. AS 33.30 is amended by adding new sections to read:

AS 33.30.012. ALASKA PRODUCTIVE TIME INDUSTRIES.

(a) Alaska Productive Time Industries is a public corporation of the state within the Department of Health and Social Services but has a legal existence independent of and separate from the state.

(b) The purposes of the corporation shall be

(1) to utilize the voluntary labor of persons committed to the custody of the commissioner pursuant to a judgment of conviction on a criminal offense in the production of goods and services for monetary gain;

(2) to give persons committed to the custody of the commissioner pursuant to a judgment of conviction on a criminal offense an opportunity to acquire or improve vocational skills;

(3) to provide a financial base for the support of families of persons committed to the custody of the commissioner, pursuant to a judgment of conviction on a criminal offense in appropriate cases to provide restitution, to provide maintenance funds for a person upon his release from custody, and to provide for all or a part of the non-custodial costs of room and board of the person.

(c) The corporation shall be administered by a board of directors of not more than eleven persons appointed by the commissioner to serve, at his pleasure, staggered terms of four years without compensation. The board may authorize a per diem for its members attending board meetings not to exceed the per diem paid state employees. The board

of directors shall include representatives of industry labor, retail sales, consumers, persons formerly employed by the corporation or by similar entities, an accountant, an attorney and the commissioner, who shall serve as chairman ex officio.

(d) The powers of the corporation shall include all powers granted to a business corporation under AS 10.05. The corporation may receive and expend legislative appropriations.

(e) Alaska Productive Time Industries Revolving Fund.

(1) Alaska Productive Time Industries may borrow, without further security, up to \$1,000,000 from the treasury of the state to be repaid over twenty years upon interest rates fixed by the commissioner of revenue comparable to the lowest class of risk of state investment, to provide part or all of the initial operating capital of the corporation. The loan shall be repaid from the earnings of the corporation;

(2) all funds received by the corporation shall be kept in commercial accounts according to standard accounting practices.

(f) Employee accounts. The corporation shall keep an account (which may be consolidated with other similar accounts) showing the net earnings attributable to each employee. Each employee shall enter an agreement approved by the commissioner providing for allocation and disbursement of funds from the account in amounts or proportions fixed at the sole discretion of the commissioner according to the following order of priority:

(1) not less than 10 percent to be disbursed to the person upon his release from custody;

(2) such sums, if any, as are permitted by institutional rules for current personal expenses for clothing, commissary, etc.

(3) up to 90 percent for amounts essential to the care or support of persons for whom the person has a legal responsibility of support

(4) up to 90 percent for amounts meeting court ordered or voluntary restitution or reimbursement to the state of disbursements made by the violent crimes compensation board for his acts;

(5) up to 90 percent to meet the just debts of the person incurred prior to custody;

(6) reimbursement to the state for partial cost of room and board at a rate fixed by the commissioner, not to exceed 80 percent of state employees per diem for the community nearest which the person is situated.

(g) The corporation shall provide workmen's compensation insurance for its employees and comply with federal and state tax laws and health and safety regulations. Except to the extent which may be obliged under federal law, employees of the corporation are not subject to unemployment insurance or benefits.

AS 33.30.225, .270, .280, and .290 are repealed.

AS 33.30.014. DUTIES OF BOARD. (a) The board of directors shall

(1) determine or set standards governing the price of goods sold or services rendered to public entities or to purchasers from the private sector, which prices, when competitive sales are involved, shall not reflect any subsidy by the government not available to private parties;

(2) retain the services of a president who need not be in the custody of the commissioner, to serve as the principal executive officer of the corporation and contract for such other services as to the board seem necessary;

(3) fix the wages or categories of wages of employees which shall be comparable to wages for persons of similar skill levels in the private sector;

(4) identify those productive activities which shall be undertaken by the corporation;

(5) select productive activities to minimize the impact of competition on any particular private industry operating in the state, to maximize the utilization of existing skills and aptitudes of its employees, to maximize skills use which will be relevant to the Alaska private market and to emphasize the use of skills which will be of future use to employees;

(6) provide employment for as many persons committed to the custody of the commissioner as is possible;

(7) apply for and administer grants and contracts for the vocational training of persons in the custody of the

commissioner employed or to be employed by the corporation;

(8) adopt policies and procedures which will prevent the rise of discrimination with respect to race, age, sex, religion, national origin, or any other form of invidious discrimination; provided that nothing herein prohibits the corporation from discriminating in favor of persons in the custody of the commissioner or handicapped in employment by reason of recent custodial status;

(9) conduct an annual audit of the financial affairs of the corporation and present a report annually to the legislature concerning its finances and activities;

(10) adopt by-laws for the management of the corporation.

AS 33.30.016. DUTIES OF THE COMMISSIONER. (a) The commissioner shall determine in what manner in what places and to what extent operations of Alaska Productive Time Industries shall be carried on in facilities controlled by him or by persons committed to his custody.

(b) The commissioner may

(1) lease facilities and grounds under his control to private persons or to the corporation for the employment of persons in his custody.

AS 33.30.018. COOPERATION WITH STATE AGENCIES.

(a) With the approval of the commissioner, any agency of the state may, without exchange of funds, transfer to the corporation property or equipment suitable to the purposes of the corporation;

(b) any agency or political subdivision of the state may purchase goods and services from Alaska Productive Time Industries provided that the price paid shall be not less than estimated approximate price of such goods and services as produced by the private market.

Sec. 1. AS 33.15.200 is amended to read:

AS 33.15.200. RETAKING OF PAROLE VIOLATOR. A warrant for the retaking of a state prisoner who violates his parole may be issued only by the board or a member of it and the warrant shall issue within the maximum term or terms to which the parolee was sentenced. A parole violator may be retaken with or without a warrant for violation of a term of parole. The unexpired term of imprisonment of the parolee shall be served and begins to run from the date he is returned to the custody of the commissioner under the warrant, and the time the prisoner was at liberty on parole diminishes [DOES NOT DIMINISH] the time he was sentenced to serve by the ratio of one day of diminution for every two days on parole.

Sec. 2. AS 33.15.080 is amended to read:

AS 33.15.080. GRANTING OF PAROLE. If it appears to the board from a review that a prisoner eligible for parole will, in reasonable probability, live and remain at liberty without violating the laws, or without violating the conditions imposed by the board, and if the board determines that his release on parole is not incompatible with the welfare of society, the board may authorize the release of the prisoner on parole. However, no prisoner may be released on parole who has not served at least one-third of the period of confinement to which he has been sentenced. The board may unconditionally discharge any person sentenced to ten or more years after he has served at least two years on parole.